



CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

June 18, 2007

S. 886

Presidential Records Act Amendments of 2007

*As ordered reported by the Senate Committee on Homeland Security
and Governmental Affairs on June 13, 2007*

S. 886 would amend the Presidential Records Act and nullify Executive Order 13233 to establish a statutory process for reviewing Presidential records. The bill would require the Archivist of the United States to provide notice to the former and incumbent President and the public 20 days before making Presidential records public. During that 20-day period, a former or incumbent President could claim a constitutionally based privilege against disclosure of the information. If the claim is made by a former President, the Archivist could release the material at the end of an additional 20-day period unless otherwise directed by a court order. If the claim is made by an incumbent President, the Archivist could not release the material unless the claim is withdrawn or the Archivist is otherwise directed by a final court order that is not subject to appeal. S. 886 also would allow a newly elected President additional time—until July 20 of the first year in office—to review Presidential records that would otherwise be made public during that time.

Based on information from the National Archives and Records Administration, CBO estimates that implementing S. 886 would have no significant impact on federal spending. Enacting the legislation would not affect direct spending or revenues.

The bill contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

S. 886 would impose private-sector mandates, as defined in UMRA, on former presidents, their designees and families, and former Vice Presidents by changing the procedure or eliminating the ability to claim constitutionally based privileges related to the disclosure of Presidential or Vice Presidential records. CBO estimates that the direct cost to comply with those mandates would be minimal, if any, and well below the annual threshold established by UMRA (\$131 million in 2007, adjusted annually for inflation).

On June 18, 2007, CBO transmitted a cost estimate for H.R. 1255, the Presidential Records Act Amendments of 2007, as ordered reported by the Senate Committee on Homeland

Security and Governmental Affairs on June 13, 2007. On March 9, 2007, CBO transmitted a cost estimate for H.R. 1255 as ordered reported by the House Committee on Oversight and Government Reform on March 8, 2007. The three pieces of legislation are similar, and our cost estimates are the same.

The CBO staff contact for this estimate is Matthew Pickford. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.